

the corresponding methods, classified in class 356, subclass 318;

Group II: Claims 14-17 and 36-42, said to be drawn to a process for measuring and removing scrambling effects, and a computer readable storage medium for performing the corresponding process, classified in class 356, subclass 318; and

Group III: Claims 24-28, said to be drawn to a method for the correction of time dependent polarized fluorescence intensities obtained for a sample, classified in class 356, subclass 318.

In response, Applicants elect herein the subject matter of Group I, claims 1-13, 18-23, 29-35 and 37.

Applicants respectfully traverse the restriction. As will be appreciated, even if the Office still considers the groups of claims to be patentably distinct, §803 of the M.P.E.P. mandates *two* criteria for a proper requirement for restriction: 1) the inventions must be independent or distinct; **and 2) there must be a serious burden on the examiner.** For purposes of initial requirement, a serious burden on the examiner may be *prima facie* shown if the examiner shows by appropriate explanation either separate classification, separate status in the art, or a different field of search as defined in M.P.E.P. §808.02. Significantly, however, this *prima facie* burden has not been met. Indeed, the Office Action has not shown separate status in the art or a requirement for a different field of search – indeed, all three groups of claims are in the same class (class 356), which strongly indicates both a lack of serious burden and the similarity of the subject matter. Thus, Applicants assert that all *all pending claims* should be examined in the present application without restriction.<sup>1</sup>

Applicants respectfully assert that the claims are in condition for allowance, and respectfully request early notification of the same.

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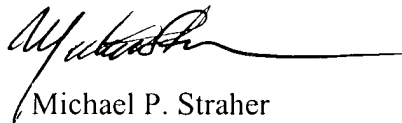
<sup>1</sup> In particular, Applicants note that the subject matter of Groups I and II are very similar, and respectfully request that should the Office maintain the restriction, at least Groups I and II be examined in the present application.

LESL0001-100

**PATENT**

Applicants invite the Examiner to contact the undersigned at (215) 666-5548 to clarify any unresolved issues raised by this response.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael P. Straher", followed by a horizontal line.

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